

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

WILLIAM ANDREW MCDONALD,

Plaintiff,

v.

NANCY MARTHAKIS *et al.*,

Defendants.

CAUSE NO. 3:22-CV-773-DRL-JEM

OPINION AND ORDER

William Andrew McDonald, a prisoner without a lawyer, moves the court for reconsideration from its order granting summary judgment in favor of the defendants. ECF 29, ECF 32. Despite receiving notice of the defendants' summary judgment motion and copies of Fed. R. Civ. P. 56 and N.D. Ind. L.R. 56-1, Mr. McDonald never filed any response to the defendants' summary judgment motion. ECF 26. The court then granted the defendants' unopposed summary judgment motion because the undisputed facts showed Mr. McDonald didn't exhaust his administrative remedies before filing this lawsuit. ECF 27. Specifically, the court concluded it was undisputed Mr. McDonald submitted relevant grievances but didn't fully exhaust any grievance. *Id.* at 3-4.

In his motion for reconsideration, Mr. McDonald argues he submitted numerous grievances, requests for healthcare, and other complaints regarding his medical needs. ECF 32 at 3-6. But Mr. McDonald should have raised this argument in a response to the summary judgment motion. *See Caisse Nationale de Credit Agricole v. CBI Industries, Inc.*, 90

F.3d 1264, 1270 (7th Cir. 1996) (“Reconsideration is not an appropriate forum for . . . arguing matters that could have been heard during the pendency of the previous motion”). Regardless, Mr. McDonald does not allege or provide any evidence he fully exhausted any relevant grievance. Thus, Mr. McDonald has not provided any argument that warrants reconsideration of the court’s order granting summary judgment in favor of the defendants.

For these reasons, Mr. McDonald’s motions for reconsideration (ECF 29, ECF 32) are DENIED.

SO ORDERED.

March 29, 2024

s/ Damon R. Leichty
Judge, United States District Court